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USEU FOR K. LANGE/AMBASSADOR RAWSON

E.O. 12356: DECL: OADR

TAGS: PREL, UNSE, RW

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SUBJECT: REPLACEMENT OF RWANDA ON THE UNSC

REF: A) USUN 2802; B) USUN 2493

1. CONFIDENTIAL - ENTIRE TEXT.

2. THIS IS AN ACTION MESSAGE. SEE PARAGRAPHS 9 AND 10
BELOW.

SUMMARY AND INTRODUCTION

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L MILLS
DATE/CASE ID: 19 FEB 2008 200103014

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3. THE PRACTICES OF THE RWANDAN "INTERIM GOVERNMENT" MAKE THE CURRENT DELEGATION OF RWANDA UNSUITABLE AS SECURITY COUNCIL PRESIDENT IN SEPTEMBER AND, INDEED, AS RWANDA'S REPRESENTATIVE IN BOTH THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY. THE LOSS OF TERRITORY BY FORCES LOYAL TO THE "INTERIM GOVERNMENT" HAS FURTHER ERODED THE LEGITIMACY OF THAT DELEGATION, AND THE USG IS CONSIDERING DERECOGNIZING THE "INTERIM GOVERNMENT." AT THE SAME TIME IT IS PREMATURE TO GRANT LEGITIMACY TO THE NEW GOVERNMENT EVOLVING UNDER RPF AUSPICES. ACCORDINGLY, WE SEEK TO HAVE

RWANDA'S UNSC AND UNGA SEATS DECLARED VACANT AND, IF RWANDA WITHDRAWS VOLUNTARILY FROM THE SECURITY COUNCIL SEAT AND IT IS AGREEABLE TO THE AFRICAN GROUP AT THE UN, HAVE A NEW AFRICAN COUNTRY ELECTED BY THE GA TO REPLACE RWANDA ON THE UNSC. ACTION ADDRESSEES SHOULD DISCUSS THIS ISSUE (USUN WITH OTHER UNSC MISSIONS AND EMBASSIES WITH MFAS) TO SEEK THE VIEWS OF UNSC MEMBERS ON OUR PROPOSED APPROACH. END SUMMARY AND INTRODUCTION.

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BACKGROUND

4. CONTINUING DEVELOPMENTS IN RWANDA RAISE SERIOUS CONCERNS ABOUT NOT ONLY THE SUITABILITY OF RWANDA AS UN SECURITY COUNCIL PRESIDENT IN SEPTEMBER BUT THE VERY ROLE OF RWANDA AS A SECURITY COUNCIL AND GENERAL ASSEMBLY MEMBER. THESE DEVELOPMENTS INCLUDE SUPPORT BY THE "INTERIM GOVERNMENT" FOR ATROCITIES BY FORCES LOYAL TO IT AND THE EROSION OF LEGITIMACY CAUSED BY THE LOSS OF MOST OF RWANDA'S TERRITORY. FURTHER, IT IS PREMATURE TO CONSIDER A REPRESENTATIVE OF THE EVOLVING RPF GOVERNMENT AS LEGITIMATE AT THE UN. IN LIGHT OF THESE DEVELOPMENTS, WE BELIEVE THE CURRENT RWANDAN DELEGATION SHOULD NO LONGER REPRESENT THAT COUNTRY IN THE UNGA AND THE UNSC. IN THE UNLIKELY EVENT THAT THE "INTERIM GOVERNMENT" DECIDES TO WITHDRAW VOLUNTARILY FROM THE SECURITY COUNCIL, THE AFRICAN GROUP MAY WANT TO CONSIDER PROPOSING ANOTHER MEMBER STATE FOR ELECTION BY THE GA TO THE COUNCIL.

PREFERRED ALTERNATIVE

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5. THE BEST WAY TO DEAL WITH THIS PROBLEM WOULD BE FOR THE CURRENT RWANDAN DELEGATION TO WITHDRAW VOLUNTARILY AS RWANDA'S REPRESENTATIVE TO THE UNSC AND UNGA. SINCE THAT IS VERY UNLIKELY, WE SEEK TO HAVE THE CREDENTIALS COMMITTEES FOR THOSE TWO BODIES CHALLENGE THE CREDENTIALS OF RWANDA'S CURRENT DELEGATION ON THE GROUNDS THAT RWANDA'S ACCREDITED DIPLOMATS, INCLUDING THE PERMANENT
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REPRESENTATIVE, DO NOT REPRESENT A LEGITIMATE GOVERNMENT. THE COUNCIL COULD PREVENT RWANDA FROM PARTICIPATING IN THE WORK OF THE COUNCIL, WHETHER AS PRESIDENT OR MORE GENERALLY SIMPLY A NONPERMANENT MEMBER, BY WITHDRAWING ACCEPTANCE OF THE CREDENTIALS OF THOSE PURPORTING TO REPRESENT RWANDA. ALTHOUGH RWANDA'S CREDENTIALS HAVE ALREADY BEEN ACCEPTED, BOTH THE COUNCIL AND THE GENERAL ASSEMBLY CAN RECONSIDER THIS DECISION AT ANY TIME.

OTHER ALTERNATIVES

6. EFFORTS TO PERSUADE RWANDA TO STEP DOWN VOLUNTARILY FROM THE PRESIDENCY FOR THE MONTH OF SEPTEMBER (REF A), WHILE REMOVING THE MOST IMMEDIATE PROBLEM, DO NOT ADDRESS THE FUNDAMENTAL ISSUE OF RWANDA BEING REPRESENTED IN THE UN BY AN ILLEGITIMATE GOVERNMENT NOR THE ONGOING DIFFICULTY POSED BY HAVING RWANDA PRESENT IN THE UNSC DURING INCREASINGLY SENSITIVE DISCUSSIONS CONCERNING UNOMUR, UNAMIR, AND THE FRENCH FORCE IN RWANDA.

7. HAVING RWANDA SUSPENDED UNDER ARTICLE 5 OF THE UN CHARTER WOULD HAVE MUCH THE SAME EFFECT AS REJECTING THE CREDENTIALS OF THE PRESENT DELEGATION IN THE UNSC AND UNGA. HOWEVER, WE DO NOT THINK THAT A MOVE TO SUSPEND RWANDA UNDER ARTICLE 5 OF THE UN CHARTER IS A VIABLE ALTERNATIVE, SINCE IT WOULD DEPEND ON THE SUPPORT OF NINE MEMBERS OF THE SECURITY COUNCIL (AND NO VETOS BY PERM-5 MEMBERS), WOULD ULTIMATELY BE DECIDED BY THE GENERAL ASSEMBLY AS A WHOLE, AND HAS NEVER BEEN DONE BEFORE.

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ACTION REQUESTED

8. WE HOPE THAT THE MEMBERS OF THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY WILL AGREE TO REJECT THE CREDENTIALS OF THE PRESENT REPRESENTATIVES OF THE "INTERIM GOVERNMENT," MAKING THE POINT THAT THE SEAT WILL REMAIN OPEN TO ANY BROAD-BASED, LEGITIMATE GOVERNMENT. UNTIL SUCH A GOVERNMENT IS FORMED, THE RWANDAN SEATS ON THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY WOULD BE VACANT.

9. ACTION ADDRESSEES SHOULD INITIATE DISCUSSIONS IN NEW YORK AND IN CAPITALS ON THE BASIS OF POINTS BELOW.
A THOUGH WE SEEK EVENTUAL ACTION BY THE UNGA, INITIAL CONSULTATIONS SHOULD BE CONFINED TO UNSC MEMBERS (EXCEPT, OF COURSE, RWANDA), GIVEN THE ONGOING DISCUSSIONS ABOUT RWANDA'S UNSC PRESIDENCY (REF A).

-- DEVELOPMENTS IN RWANDA RAISE SERIOUS QUESTIONS ABOUT THE SUITABILITY OF THE CURRENT RWANDAN DELEGATION AS LEGITIMATE REPRESENTATIVES OF THAT COUNTRY.

-- THESE DEVELOPMENTS INCLUDE THE SUSPECTED SUPPORT BY THE "INTERIM GOVERNMENT" FOR ATROCITIES COMMITTED BY THE RWANDAN ARMED FORCES AND OTHER FORCES LOYAL TO THAT

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"GOVERNMENT", AND THE LOSS OF MOST OF RWANDA'S TERRITORY.

-- THE RECORD OF THE "INTERIM GOVERNMENT" MAKES ITS
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CONTINUED REPRESENTATION IN THE UNITED NATIONS
INCONSISTENT WITH THE AIMS AND PRINCIPLES OF THE UN. AS
AN INDICATION OF THIS, THE UNHCR SPECIAL RAPPORTEUR HAS
FOUND THAT THE "INTERIM GOVERNMENT" BORE RESPONSIBILITY
FOR GENOCIDE.

-- ACCORDINGLY, WE THINK IT WOULD BE APPROPRIATE TO
"DE-LEGITIMIZE" THE PRESENT DELEGATION OF THE "INTERIM
GOVERNMENT" OF RWANDA IN BOTH THE UN SECURITY COUNCIL AND
GENERAL ASSEMBLY.

-- WE BELIEVE THE BEST WAY TO ACHIEVE THIS WOULD BE TO
SUPPORT CHALLENGES TO RWANDA'S CREDENTIALS BY THE

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CREDENTIALS COMMITTEES IN BOTH THE UNGA AND THE UNSC.

-- IN THE EVENT OF A SUCCESSFUL SECURITY COUNCIL CREDENTIALS CHALLENGE AND RWANDA'S VOLUNTARY WITHDRAWAL FROM THE COUNCIL, THE AFRICANS MAY WANT TO CONSIDER ELECTING ANOTHER AFRICAN TO REPLACE RWANDA.

-- WE MUST ENSURE THAT OUR ACTION TO DE-LEGITIMIZE THE PRESENT GOVERNMENT OF RWANDA DOES NOT JEOPARDIZE FRENCH FORCES PRESENTLY IN RWANDA.

-- WE ARE NOT WEDDED TO A PARTICULAR COURSE OF ACTION IN ACCOMPLISHING OUR OBJECTIVE AND WE WOULD APPRECIATE YOUR THOUGHTS ON THIS ISSUE.

10. ADDITIONAL POINTS FOR NIGERIA AND DJIBOUTI (THE OTHER AFRICAN UNSC MEMBERS BESIDE RWANDA) :

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-- WE WOULD LIKE TO DEAL WITH THE PROBLEM OF RWANDA'S UN REPRESENTATION AS DESCRIBED ABOVE, BUT WE DO NOT WANT TO TAKE ANY ACTION WITHOUT THE FIRM SUPPORT OF THE AFRICAN GROUP IN THE UN AND PARTICULARLY THE AFRICAN MEMBERS OF THE UNSC.

-- IN ADDITION TO YOUR OWN THOUGHTS, WE WOULD ALSO APPRECIATE YOUR JUDGMENT AS TO HOW OTHER AFRICAN STATES FEEL ABOUT THIS ISSUE.

-- IN PARTICULAR, WOULD REJECTING THE CREDENTIALS OF THE RWANDAN DELEGATION IN THE UNGA AND UNSC BE ACCEPTABLE TO MOST AFRICAN STATES?

-- ALSO, WOULD THE AFRICAN GROUP BE AMENABLE TO NOMINATING A NEW UNSC MEMBER TO REPLACE RWANDA IF THE RWANDAN SEAT HAD NO REPRESENTATIVE AND THE CURRENT DELEGATION COULD BE PERSUADED TO WITHDRAW RWANDA VOLUNTARILY FROM THE COUNCIL? TALBOTT

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